

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CITY OF DALLAS,

Plaintiff,

v.

**DELTA AIR LINES, INC., SOUTHWEST
AIRLINES CO., VIRGIN AMERICA INC.,
AMERICAN AIRLINES, INC., UNITED
AIRLINES, INC.,**

Defendants.

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Civil Action No. 3:15-cv-02069-K

**DEFENDANT UNITED AIRLINES, INC.'S RESPONSE TO PLAINTIFF CITY OF
DALLAS'S MOTION FOR SUMMARY JUDGMENT OR PARTIAL SUMMARY
JUDGMENT, AND, IN ADDITION OR IN THE ALTERNATIVE, MOTION FOR
ENTRY OF PERMANENT INJUNCTION**

United Airlines, Inc. ("United") submits this Response in opposition to the City of Dallas's ("City") Motion for Summary Judgment or Partial Summary Judgment, and, in addition or in the alternative, Motion for Entry of Permanent Injunction.

SUMMARY

Pursuant to Local Rule 56.4, United sets forth the legal and factual grounds for its Response in the accompany Brief and Appendix and incorporates that Brief and Appendix herein by reference. FED. R. CIV. P. 10(c).

United requests that the Court deny the City's Motion as to the City's declaratory judgment claims regarding accommodating Delta for five flights, and grant the City's Motion requesting declaratory judgment that Delta is not entitled to accommodation for an additional eight flights, but for the reason that Delta should not be accommodated, not due to application of the City's proposed Accommodation Policy. United also does not oppose that the City's Motion

be granted as to Delta's declaratory judgment counterclaim such that the Court declares that the City's consent to the Southwest-United sublease was proper. United opposes the granting of any injunctive relief. The remainder of the City's Motion applies to Southwest's and Delta's counterclaims and therefore United does not directly address these arguments in its Brief.

Respectfully submitted,

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**COUNSEL FOR DEFENDANT
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CERTIFICATE OF SERVICE

I hereby certify that on June 13, 2018, I electronically filed the foregoing document with the Clerk of Court for the United States District Court for the Northern District of Texas using the electronic case filing system of the Court. Service on all attorneys of record who are Filing Users will be automatically accomplished through Notice of Electronic Filing.

/s/ Patrick G. O'Brien